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REMARKS

Claims 1-15 remain pending in the application including independent claims 1, 3 and 9.

Claims 3 and 15 are indicated as allowable. New claims 16-20 have been added. Claim 3 has been rewritten in independent form. Thus, applicant respectfully asserts that claim 3 is now in condition for allowance.

The drawings stand objected to because the examiner argues that the differential in claim 11 is not shown in the drawings. Applicant respectfully disagrees. The differential is shown as element "60" in Figure 2B. Also, see paragraph [25] of the specification for the associated description of element "60." Thus, applicant respectfully asserts that all drawing objections have been overcome.

Claim 13 stands objected to for having a dashed line between the words "and" and "wherein" in line three of the claim. This dash was actually a redline strikeout to eliminate a double space that was between the words "and" and "wherein" in line three of the claim. Once the redline changes are accepted the dash goes away. Thus, applicant asserts that there are no additional changes that need to be made to claim 13.

Claim 7 has been amended to overcome the rejection under 35 U.S.C. 112, second paragraph.

Claims 1-2 and 4-14 stand rejected under 35 U.S.C. 102(b) as being anticipated by Lee (US 3035655). Claim 1 has been amended to clarify that the axle housing defines an enclosed cavity that receives one end of the axle shaft, and wherein the axle shaft includes an exposed portion that is positioned outside of the enclosed cavity. Lee does not disclose this configuration.

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The examiner has argued that Lee discloses an axle housing 36 having an enclosed cavity that is broadly interpreted as "a cavity with an inner and outer portion, wherein the central portion of the axle is outside of the enclosed cavity." First, applicant does not understand the examiner's definition of "enclosed cavity," and does not understand what the examiner means by "inner" and "outer" portions. The examiner has not specifically identified what the "inner" and "outer" portions of axle housing 36 in Lee are that would define this enclosed cavity. Applicant respectfully requests that the examiner provide a more detailed explanation of this rejection such that applicant is not left to guess at the examiner's intention.

Second, applicant respectfully asserts that the examiner's interpretation is not a reasonable interpretation of Lee. While it is well settled that the terms in a claim are to be given their broadest reasonable interpretation, this interpretation must be consistent with the specification, with claim language being read in light of the specification as it would be interpreted by one of ordinary skill in the art. In re Bond, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). The examiner has argued that axle housing 36 includes an enclosed cavity as defined in the claims. Applicant respectfully disagrees because it is clear from Figures 1 and 3 that the equalizer axle 36 does not include any type of enclosed cavity. One of ordinary skill in the art simply would not consider axle 36 in Lee as having an enclosed cavity that corresponds to applicant's enclosed cavity as defined in the claims. Thus, applicant respectfully asserts Lee does not anticipate claim 1. For similar reasons, Lee does not anticipate claim 9.

Further, claim 5 recites that the first and second ends of the axle shaft are enclosed within the axle housing. The examiner argues that the ends of the axle shaft are enclosed within an axle housing because the axle shafts ends are surrounded by yokes that are connected to the axle

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housing. Again, applicant respectfully asserts that the examiner's interpretation of Lee is not reasonable. Yokes are not part of an axle housing. Further, one of ordinary skill in the art would never consider yokes as corresponding to the claimed axle housing. Finally, the yokes clearly do not enclose the axle shaft ends within the axle housing.

Claims 6 and 14 recite seal assemblies that engage the axle housing. The examiner argues that Lee discloses ring seals 192 and 194 that engage the claimed axle housing. Applicant disagrees. The examiner has argued that element 36 of Lee corresponds to the claimed axle housing. Ring seals 192 and 194 are used to seal ends of the housing 176 for the bearing carrier 44 mounted at one wheel, see Figures 1, 3-4 and 10. Thus, these seals 192, 194 clearly do not engage the examiner's "axle housing 36." Thus, Lee cannot anticipate claims 6 and 14.

Claims 2, 5-7, and 9-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Menarini (EP 0456096). For the reasons set forth above, Lee does not disclose, suggest, or teach the claimed invention. Menarini does not make up for the deficiencies of Lee.

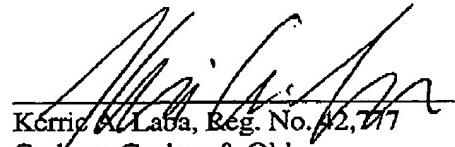
Further, the examiner's assessment of the teachings of Menarini is inaccurate. The examiner argues that Menarini teaches using an enclosed cavity around the ends of the shaft and gears to prevent dirt from getting into them. Menarini does not teach using an enclosed cavity just around the ends of the axle shaft. Menarini discloses enclosing the entire axle shaft within a housing, such as that described in the prior art. Thus, a modification of Lee based on the teachings of Menarini would result in the entire axle shaft 42 being enclosed within an axle housing, which is not applicant's invention as defined in the claims.

Applicant believes that all claims are in condition for allowance and respectfully requests an indication of such. Applicant believes that no additional fees are necessary, however, the

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Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,


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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, fax number (571) 273-8300, on December 22, 2005.


Laura Combs